

REMARKS

This amendment is offered in response to the Office Action of November 4, 2004.

It is respectfully submitted that this amendment will require neither a new search nor substantial reconsideration.

The Examiner rejected Claims 40 and 41 under the doctrine of obviousness-type double patenting over U.S. Patent No. 6,694,704 (Claim 1). The Applicant respectfully requests that this rejection be deferred. The Applicant will consider filing a terminal disclaimer, if necessary, when the claims are otherwise in condition for allowance.

The Office Action rejected Claims 40 and 41 under 35 U.S.C. §103(a) as being obvious over the Cantor reference (U.S. Patent No. 3,936,923). The Cantor reference relates to attaching a metal zipper over a cutout in a garment material, where both zipper flanges are attached at the same time to same film side and no bringing together of the longitudinal edges of the material is disclosed. This is much different from newly amended Claims 40 and 41 which recite:

and subsequently bringing longitudinal edges of the film together
thereby forming a second wall opposing said first wall and
attaching said second strip to said second wall

It is therefore respectfully submitted that the rejection over Cantor is overcome.

The Office Action rejected Claims 40 and 41 under 35 U.S.C. §103(a) as being obvious over the Bois reference (U.S. Patent No. 5,816,018) in view of the Bahr reference (U.S. Patent No. 4,335,817) or, alternatively, over the Bahr reference in view of the Bois reference.

It is respectfully submitted that the Bois reference and the Bahr reference cannot be properly combined to reject Claim 40. The configuration of the zipper is completely different in each of these references. In the Bois reference, the zipper is placed between opposing walls. In

the Bahr reference, the zipper spans a tear strip on the same wall. There is nothing to teach or suggest the combination of these references.

Similarly, the Bahr reference is totally inapplicable to Claim 41. Firstly, Claim 41 recites “forming cut-outs on said film” which is completely different from the lines of weakness forming “tear strip 12” in the Bahr reference. During the manufacturing process, the “tear strip 12” of the Bahr reference remains in place. It is subsequently removed by the end user. During the manufacturing process, no “cut-out” is formed on the film.

Moreover, there is no disclosure in the Bahr reference of the zipper profiles being attached to the web at different times. More precisely, there is no disclosure of, after attaching the first profile to the web, “subsequently bringing longitudinal edges of the film together thereby forming a second wall opposing said first wall and attaching said second strip to said second wall”. Rather, the Bahr reference discloses both sealing strips being attached to the same wall, with no basis for the sealing strips being attached at different times. With respect to the separate attachment steps, the Office Action states “little novelty is seen without the recitation in the claims of the rest of the process that would require such separate sealing steps” (numbered page 4, last sentence of third paragraph). It is respectfully submitted that the recitation of the step “bring longitudinal edges of the film together thereby forming a second wall opposing said first wall” clearly sets forth the basis of the novelty in the separate attachment steps.

It is therefore respectfully submitted that the rejection of Claim 41 (either Bois in view of Bahr or vice versa) has been overcome.

Therefore, it is respectfully submitted that the rejections over the cited prior art are overcome.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to enter this amendment, to allow the claims, and to pass this application to early issue.

Respectfully submitted,



Ronald E. Brown
Registration No. 32,200

Pitney Hardin LLP
7 Times Square
New York, New York 10036-7311
212-297-5800